

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

GH AMERICA ENERGY LLC

*Plaintiff*

v.

DOUGLAS FOHN, in his official capacity as  
Assistant General Counsel of the Electric  
Reliability Council of Texas, Inc. ("ERCOT");  
HOLLY HEINRICH, in her official capacity  
as Legal/Regulatory Counsel of ERCOT;  
PABLO VEGAS, in his official capacity as  
Chief Executive Officer of ERCOT; PAUL  
FOSTER, in his official capacity as a member  
of the Board of Directors of ERCOT; BILL  
FLORES, in his official capacity as a member  
of the Board of Directors of ERCOT;  
CARLOS AGUILAR, in his official capacity as  
a member of the Board of Directors of  
ERCOT; LINDA CAPUANO, in her official  
capacity as a member of the Board of  
Directors of ERCOT; JULIE ENGLAND, in  
her official capacity as a member of the Board  
of Directors of ERCOT; ROBERT  
FLEXON, in his official capacity as a member  
of the Board of Directors of ERCOT;  
PEGGY HEEG, in her official capacity as a  
member of the Board of Directors of ERCOT;  
and JOHN SWAINSON, in his official  
capacity as a member of the Board of  
Directors of ERCOT,

*Defendants,*

ATTORNEY GENERAL KEN PAXTON,

*Intervenor-Defendant.*

CASE NO.1:24-CV-00648-DII

**UNOPPOSED MOTION TO STAY PRETRIAL PROCEEDINGS  
PENDING RULING ON MOTION TO DISMISS**

GH America Energy LLC ("Plaintiff") filed its Amended Complaint on August 26, 2024,  
challenging the constitutionality of Texas's Lone Star Infrastructure Protection Act, codified at Tex.

Bus. & Comm. Code §§ 117.001-.003, and Tex. Gov't Code §§ 2275.0101-.0103, on Supremacy Clause and Equal Protection Clause grounds. (Dkt. 19). On October 2, 2024, Defendants Doug Fohn, Holly Heinrich, Paul Foster, Bill Flores, Carlos Aguilar, Linda Capuano, Julie England, Robert Flexon, Peggy Heeg, John Swainson, and Pablo Vegas, all in their purported official capacities, (collectively, “Movants”), filed their Motion to Dismiss Plaintiff’s First Amended Complaint (the “Motion to Dismiss”) pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). (Dkt. 26). On October 15, 2024, the Court issued an order requiring the parties to submit a joint proposed scheduling order on or before October 28, 2024. (Dkt. 30).

In the interest of judicial economy, Movants request that all deadlines in this case, including the filing of an agreed scheduling order, be stayed pending resolution of the threshold issues presented by their Motion to Dismiss. Accordingly, Movants respectfully request that the Court stay all pretrial proceedings and continue the deadline for the parties to file their proposed scheduling order until 14 days after the Court has issued its order on the pending Motion to Dismiss, to save the parties and the Court any unnecessary time, burden, or expense

Respectfully submitted,  
**WINSTEAD PC**

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on October 22, 2024, I conferred with counsel for Plaintiff, and Plaintiff is unopposed to the relief requested in this motion to stay. Counsel for Defendant-Intervenor Attorney General Ken Paxton is also unopposed to the relief sought in this motion

/s/ Elliot Clark  
Elliot Clark

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2024, the foregoing document was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Elliot Clark  
Elliot Clark